

REMARKS

Election/Restrictions

Reconsideration of the examiner's requirement for restriction is solicited, for the following reasons.

The examiner takes the position that "the product of Claims 1, 4 and 5 can be used in a different process such as it may be hung from a piece of molding as shown in US patent 1,647,008." It is pointed out that it is the product as claimed that is in issue, and the product as claimed is "a fixture for insertion into a gypsum board wall". To instead hang the fixture from a piece of molding is to ignore the clear language of the claims.

We have here a situation where the fixture and its method of insertion are inseparable. Indeed, the claimed product can properly only be inserted into gypsum board in accordance with the claimed method. It is improper to require restriction under such circumstances.

Accordingly, it is respectfully requested that the requirement for restriction be withdrawn.

Claim Objections

Claim Rejections-34 USC Section 112

The examiner has rejected Claims 1, 4 and 5 because they recited "pictures and the like" This rejection has been overcome, by replacing that term with the word "articles".

The examiner has rejected Claims 4 and 5 because those claims as filed called for a "rigid" fixture. That rejection has been overcome by amendment of those claims so as to call for "a metal fixture". Withdrawal of their rejection under Section 112 is respectfully requested.

Appln No.: **10/538,812**
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Reply to Office Action of September 11, 2007

Attorney Docket No. **7836-79837**

Claim Rejections — 35 USC Sections 102 and 103

The examiner has rejected Claim 4 as anticipated by US Patent 6,830,228 to Ernst, and has rejected Claims 1 and 5 as being obvious under 35 USC 103 from the disclosure of the Ernst patent.

Submitted herewith is the declaration under 37 CFR Section 1.131 of the inventor, Francis C. Peterson, which establishes that he completed the claimed invention in the United States before March 22, 2002, the filing date of the Ernst patent.

Accordingly, in accordance with Section 1.131, the Ernst patent may not properly be cited against the claimed invention of this application

CONCLUSION

All of the examiner's objections and rejections have been carefully considered and overcome.

It is respectfully requested that the examiner's requirement for restriction be withdrawn, and that Claims 1, 2, 4, 5, 6 and 7 be allowed and passed to issue.

Respectfully submitted,

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